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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,730	10/16/2003	Avi Matatov		1766

7590  
Stephen E. Feldman, P.C.  
12 East 41st Street  
New York, NY 10017

02/28/2007

EXAMINER
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MISKA, VIT W

ART UNIT	PAPER NUMBER
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2833

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/688,730

Applicant(s)

MATATOV, AVI

Examiner

Vit W. Miska

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 13, 14 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 13 recites the limitation "the movements" in line 11. There is insufficient antecedent basis for this limitation in the claim. Further, claim 14 recites the "dials include a respective power source". However, applicant's specification at page 9, lines 4-5 indicate that battery 24 is housed in movement 15, which is separate from dial 2 (line 10). This discrepancy requires correction.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard in view Affolter. Howard discloses a watch mechanism including plurality of replaceable movements 20,22,24,26,28 each having dials 30 as shown in Fig. 1, and capable of operating in dependently of each other, each dial for indicating time in different time zones case 12, top side crystal 16, bottom side 14 and side edges as shown in Figs. 3 and 6. At least one of the dials/ movements being a chronograph mechanism (time measuring).

4. The reference does not specifically indicate that each dial/movement is capable of operation following removal of any of the other movements. However, one of ordinary skill in the art would recognize that the purpose of the device is to provide separately operable and settable movements in a watch device (see col. 2, lines 18-21). Thus, it would be obvious for one of ordinary skill in the art to make the movements

completely independent such that each may be removed without affecting the operation of the other.

5. Howard does not specifically describe the rear side as being curved. However, it is conventional to match the bottom of a wristwatch to the curvature of a wrist, as shown in Affolter at 3. Thus, it would have been obvious for one of ordinary skill in the art to provide curvature to the back 14 of Howard's timepiece to comfortably fit the watch to a wrist, as taught by Affolter.

6. With respect to the "top side including scratch resistant surface to allow clear view of the movements", crystal 16 in Howard corresponds to this structure. It is noted that applicant's specification at page 6, last two lines describe the crystal 9 as "allowing clear view of the watch dials" and consequently, crystal 16 in Howard is considered in the same manner as allowing viewing of the watch dials 24,26,28,30. With respect to the term "scratch resistant" pertaining to the crystal, Official notice is taken of the conventional use of scratch resistant glass as watch crystals to minimize damage and wear to the front of the timepiece, the use of the same in Howard for this purpose therefore being suggested to one skilled in the art.

7. With respect to size of the movements, making one of the dials/movements larger than the remaining ones would be an obvious design feature and could be

selected to accentuate the relative significance of each movement. No unexpected results are obtained or criticality shown by enlargement of any of the dials/movements and thus, such modification of dimensions lacks patentable significance.

8. With respect to claim 14, since each movement is disclosed as being self contained, it would be obvious for one skilled in the art to provide a separate power source for each movement. Further, no interconnections between the movements are disclosed, other than having a common case, and therefore, it is apparent that each movement is intended to be separately powered.

9. Claims 18 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Affolter, as applied to claim 8, above, in further view of the GB Patent to Yeung (2,194,081). The latter reference teaches the securing of a movement 2 of a timepiece in an opening 5 of plate 1. It would be obvious for one of ordinary skill in the art to mount each of the movements in Hoard frictionally in this manner to secure the movements within the watch housing structure. Regarding claim 19, the shape of each movement and the watch case would be obvious design criteria of decorative and aesthetic value which have not been shown to have criticality in operation of the device.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vit W. Miska  
Primary Examiner  
Art Unit 2833

VM  
2/5/2007